

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Mail Stop Issue Fee
)	
Sanjay GHEMAWAT et al.)	Group Art Unit: 2163
)	
Application No.: 10/608,139)	Examiner: H. B. THAI
)	
Filed: June 30, 2003)	
)	
For: SYSTEMS AND METHODS FOR)	
REPLICATING DATA)	

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Issue Fee
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants request adjustment of the patent term adjustment (PTA) calculated by the Office.
The Office calculated the PTA as follows:

USPTO Delay (days): 0
Three Years: 0
Applicant Delay: 0
Total Patent Term Adjustment (days): 1726

Applicants respectfully submit that the method used to calculate the PTA above does not conform to the ruling in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

PATENT

Application No. 10/608,139
Attorney Docket No. 0026-0029

The correct calculation of the PTA is as follows:

USPTO A Delay (days): 512

Three Years B Delay: 1446

Applicant Delay: 28

Overlapping Time:

Appeal Period Delay 910

Total Patent Term Adjustment (days): 2840

In this case, the Office has not credited the Applicants with a correct Three Years PTA under 35 U.S.C. § 154(b)(1)(B).

Therefore, Applicants respectfully request that the patent term be adjusted by a number of additional days to account for the Three Years delay under 35 U.S.C. § 154(b)(1)(B). The total number of additional days for the Three Years delay should be the number of days from the date of filing to the date of issuance minus three years. The total PTA should be the USPTO Delay of 512 days plus the Three Years Delay minus the Applicant Delay and Overlapping Time (overlapping time of USPTO Delay and Three Years Delay).

The above-referenced application is not subject to a Terminal Disclaimer.

Please charge any deficiencies or apply any credits to Deposit Account No. 50-1070.

A request for reconsideration under 37 C.F.R. 1.705(d) and the fee set forth in 37 C.F.R. 1.18(c) are not required, as this form is filed within 180 days of the day that patent was granted. Please charge any deficiencies or apply any credits to Deposit Account No. 50-1070.

Respectfully submitted,

HARRITY & HARRITY, LLP

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Date: August 16, 2010
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